

**PROCEEDINGS BEFORE THE
WASHINGTON STATE BOARD OF ACCOUNTANCY**

In the Matter of the CPA Certificate and/or
License to Practice Public Accounting of:

Gregory A. Marks, CPA
License no. 08113

Respondent.

NO. ACB – 1392

STIPULATION AND
AGREED ORDER

The Washington State Board of Accountancy (hereinafter “Board”) and Gregory A. Marks, CPA (hereinafter “Respondent”) stipulate and agree as follows:

Section 1: Procedural Stipulations

- 1.1 Respondent understands that the state of Washington (hereinafter “State”) may issue a statement of charges in this matter and proceed to a hearing before the Board upon the merits of said charges, although the State has not done so, in order to facilitate resolution of this matter in accordance with the legislative intent endorsed in RCW 34.05.060.
- 1.2 Respondent understands that should the State prevail at hearing based on a statement of charges, that the Board has the power and authority to deny, suspend, revoke, or refuse to renew the Respondent’s CPA certificate or any individual or firm licenses to practice public accounting as a CPA or CPA firm in Washington, and may impose a fine plus the Board’s investigative and legal costs in bringing charges, or impose conditions precedent to renewal of the certificate or license, or impose full restitution to injured parties.
- 1.3 Respondent understands that the Respondent has the right to defend against a statement of charges by demanding a hearing and presenting evidence on the Respondent’s behalf, and the Respondent voluntarily waives the right to a hearing and all other rights which may be

accorded the Respondent by the Administrative Procedures Act, chapter 34.05 RCW, and the laws of Washington, including the right to petition the courts for judicial review.

- 1.4 Respondent wishes to expedite the resolution of this matter by means of this Stipulation and Agreed Order and does not desire to proceed to a formal hearing based on the issuance of a statement of charges.
- 1.5 The Respondent understands that this Stipulation and Agreed Order is not binding unless approved by the Board and fully executed.
- 1.6 Should this Stipulation and Agreed Order be rejected by the Board and the State proceeds to issue a statement of charges, Respondent waives any objection to the participation of any members of the Board at a hearing on this matter (other than the consulting Board member in this proceeding).

Section 2: Stipulated Facts

The parties further stipulate to the following Stipulated Facts, Conclusions of Law and Agreed Order:

- 2.1 Respondent is the holder of a license as a Certified Public Accountant in Washington State.
- 2.2 Byron A. Richardson (hereinafter "Complainant") engaged Respondent to prepare his personal and business tax returns starting for the year 2010.
- 2.3 Complainant provided Respondent with accounting summaries and offered to leave the accounting records.
- 2.4 Respondent reviewed the summaries, but declined to review the accounting records.
- 2.5 On or about March or April of 2013, Respondent asked Complainant where the 1099 form for tax year 2012 was. Complainant advised that it was in his accounting book.
- 2.6 Respondent then advised Complainant that the Required Minimum Distribution (RMD) had not been reported for 2010 and 2011, and that is was his understanding that Form 1099-Rs were never prepared for either year.

- 2.7 Respondent stated he did not note a material difference between 2009 and 2010 pension distributions, and therefore did not inquire further to see if something was missing. Complainant asserts that these documents were in the accounting books, which Respondent had declined to review.
- 2.8 Respondent filed amended returns.
- 2.9 The Internal Revenue Service (IRS) accepted the amended returns, and Complainant was assessed interest by the IRS for \$150.20.
- 2.10 Respondent states that it is his policy to pay penalties for mistakes, but not interest.

Section 3: Conclusions of Law

- 3.1 The Board has jurisdiction over the Respondent and the subject matter of this proceeding, based upon RCW 18.04.295.
- 3.2 Based upon the conduct described and the facts put forth in section 2, Respondent has violated Board rule WAC 4-30-046.

Section 4: Agreed Order

- 4.1 Respondent consents to the entry of this Order and has waived any right to a hearing.
- 4.2 Pursuant to RCW 18.04.295, the Board shall have the power to impose discipline, and so orders that the Respondent shall:
- 4.2.1 Pay the Board a fine in the amount of \$250. Such fine shall be made payable to the Washington State Board of Accountancy and remitted to the Washington State Board of Accountancy at PO Box 9131, Olympia, WA, 98507-9131 within 90 days of the service date of the Board's accepted Order.
- 4.2.2 Pay the Board the amount of \$100 to reimburse the Board's investigative and legal costs. Such reimbursement shall be made payable to the Washington State Board of Accountancy and remitted to the Washington State Board of Accountancy at PO Box

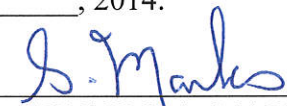
9131, Olympia, WA, 98507-9131 within 90 days of the service date of the Board's accepted Order.

4.2.3 Complete 4 hours of Continuing Professional Education in Board approved ethics and regulation for Washington CPAs.

4.3 The Board will publish the terms of this Stipulation and Agreed Order.

I, **GREGORY A. MARKS, CPA**, certify that I have read this Stipulation and Agreed Order in its entirety; that I fully understand and agree to all of it; and that it may be presented to the Board without my appearance. If the Board accepts the Stipulation and Agreed Order, I understand that I will receive a signed copy.

DATED this 22 day of May, 2014.




GREGORY A. MARKS, CPA
Respondent

The Board accepts and enters this Stipulation and Agreed Order.

DATED this 12 day of June, 2014.

WASHINGTON STATE
BOARD OF ACCOUNTANCY



Emily Rollins
Chair